

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-29547
Issue No(s): 1001
Case No.: [REDACTED]
Hearing Date: March 25, 2014
County: Wayne County DHS #17

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on March 25, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED], the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], PATH Case Manager, and [REDACTED], Lead Specialist.

ISSUE

Did the Department properly deny Claimant's Family Independence Program (FIP) application?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant resides with her two grandchildren and the children's mother.
2. Claimant applied for FIP for herself and her two granddaughters.
3. The Department determined the FIP application must be denied because: the children's parent needed to apply for assistance for them; the Claimant had reached both the state and federal time limits for receiving cash assistance; and there was a child support sanction in place.
4. On December 27, 2013, a Notice of Case Action was issued to Claimant stating the FIP application was denied.
5. On January 6, 2014, Claimant filed a request for hearing contesting the Department's action.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

BEM 210 addresses FIP group composition. Group composition is the determination of which individuals living together are included in the FIP eligibility determination group/pro-program group and the FIP certified group. To be eligible for FIP both of the following must be true: (1) the group must include a dependent child who lives with a legal parent, stepparent or other qualifying caretaker, and, (2) the group cannot include an adult who has accumulated more than 60 TANF funded months, beginning October 1, 1996 or any other time limits in the Family Independence Program; see BEM 234. BEM 210

When cash assistance is requested for a dependent child, or a dependent child is a mandatory FIP EDG member, all of the following individuals who live together are in the FIP EDG: dependent child; child's legal parent(s); child's legal siblings who meet the definition of a dependent child (siblings have at least one legal parent in common); legal parent(s) of the child's siblings; child's legal stepparent, even after death of or divorce from the parent; child's legal stepsiblings who meet the definition of a dependent child, even after death of or divorce from the parent; child's child. BEM 210

Temporary Assistance to Needy Families (TANF) is the federal grant that funds the overwhelming majority of FIP assistance issued by the Department. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) established a five-year (60month) lifetime limit on assistance for adult-headed families. The begin date for the federal time limit counter is Oct. 1, 1996. In line with the goals of the Family Independence Program, any group that includes an individual who has received 60 months or more of FIP is not eligible for the FIP program. BEM 234.

The state time limit reflects the number of remaining months an individual may receive FIP in the state of Michigan. Michigan has a 48 month lifetime limit. This 48 month lifetime limit is more restrictive than the federal 60 month lifetime limit. BEM 234.

Additionally, parents have a responsibility to meet their children's needs by providing support and/or cooperating with the department, including the Office of Child Support (OCS), the Friend of the Court (FOC) and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. Cooperation is a condition of eligibility for FIP. Cooperation is assumed until negative action is applied as a result of non-

cooperation being entered. The non-cooperation continues until a comply date is entered by the primary support specialist or cooperation is no longer an eligibility factor. The Department worker is to ask a disqualified client at application, redetermination or reinstatement if they are willing to cooperate. A disqualified member may indicate willingness to cooperate at any time. BEM 255.

In this case, Claimant applied for FIP for herself and her two granddaughters. However, the children's mother also lives home. Pursuant to the BEM 210 policy, the children's mother is a mandatory FIP group member. Further, the PATH Case Manager credibly testified that at the time of Claimant's FIP application there had been a child support sanction in place since July 4, 2011. Pursuant to BEM 255, cooperation with child support requirements is an eligibility requirement for FIP. Lastly, the PATH Case Manager credibly testified that Claimant had already exceeded the state and federal time limits for FIP. Pursuant to the BEM 210 and BEM 234 policies, Claimant was no longer eligible for FIP. Accordingly, the Department properly denied Claimant's application for FIP.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Claimant's FIP application.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Colleen Lack
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 16, 2014

Date Mailed: April 16, 2014

NOTICE OF APPEAL: The claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;

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- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

CL/hj

cc:

